

Service Date: February 3, 1981

BEFORE THE DEPARTMENT OF  
PUBLIC SERVICE REGULATION OF THE  
STATE OF MONTANA

IN THE MATTER of the Termination )  
of Gas and Electric Utility Service )  
to Various Butte Apartments by the )  
Montana Power Company. )

UTILITY DIVISION  
DOCKET NO. 80.6.24  
ORDER NO. 4740

ORDER DENYING REQUEST FOR DECLARATORY RULING

On November 26, 1980, The Montana Power Company (MPC) petitioned the Commission for a declaratory ruling on the following issue:

Where a utility has received its contract to provide gas or electric service to a landlord for nonpayment, are the tenants of the landlord customer required to contract and open a new account?

This docket originated in a termination of service proceeding pursuant to the Commission's rules governing termination of gas and electric service by regulated public utilities. Rule 38.5.1401 et seq., ARM.

Issuance of a declaratory ruling as requested by Montana Power would have the effect of altering those rules as they apply to the Company and the Consumers affected by the dispute in this docket. The Commission believes that such an amendment, if made, should be through the usual rulemaking procedures, since the question presented in MPC's petition could be cited as precedent in the future in other landlord/tenant situations which are not contemplated by the facts of this case.

LIBRARY DOCUMENT  
Do Not Remove

The Montana Power Company is free to petition the Commission for amendment of the rules governing termination of service. However, the Commission cautions the Company that the general nature of those rules as they relate to landlord/tenant situations resulted from numerous unsuccessful attempts to specifically deal with the varied factual situations which were possible. Any petition should, to the degree possible, attempt to anticipate the many varieties of problems which can and do arise when a landlord is responsible for utility bills.

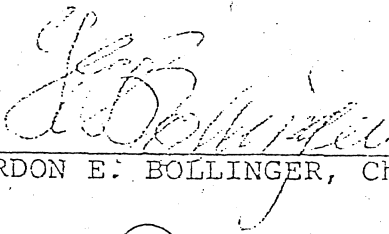
ORDER

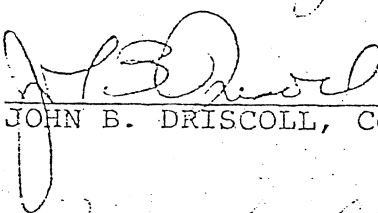
The Montana Power Company's Petition for a Declaratory Ruling is denied.

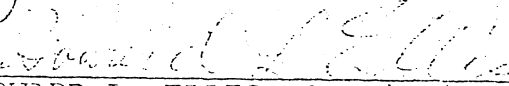
Parties in this docket are requested to submit a report to the Commission within thirty days of this order which informs the Commission of the current status of disputes which must be settled.

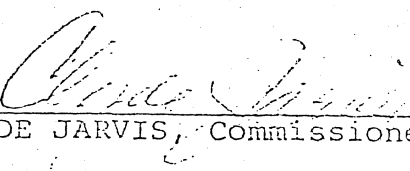
Done and dated this 2nd day of February, 1981 by a vote of 5-0.

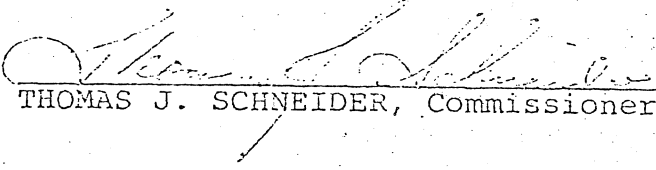
BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

  
GORDON E. BOLLINGER, Chairman

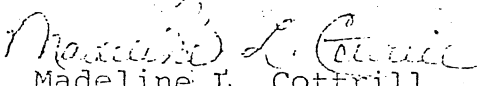
  
JOHN B. DRISCOLL, Commissioner

  
HOWARD L. ELLIS, Commissioner

  
CLYDE JARVIS, Commissioner

  
THOMAS J. SCHNEIDER, Commissioner

ATTEST:

  
Madeline L. Cottrill  
Commission Secretary

(SEAL)

NOTE:

You may be entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38.2.4806 ARM.

LIBRARY DOCUMENT  
Do Not Remove